

**LAKE COUNTY PLANNING BOARD**  
**September 8, 2010**  
**Meeting Minutes**

**MEMBERS PRESENT:** Lisa Dumontier, Harlan Gipe, Sigurd Jensen, Steve Rosso, Janet Camel, Brad Trosper

**STAFF PRESENT:** Joel Nelson, LaDana Hintz, Lita Fonda

Brad Trosper called the meeting to order at 7:03pm.

**Motion by Steve Rosso, and seconded by Sigurd Jensen, to approve the August 11, 2010 meeting minutes. Motion carried, 4 in favor (Harlan Gipe, Sigurd Jensen, Steve Rosso, Janet Camel) and 2 abstained (Brad Trosper, Lisa Dumontier).**

**MANY SPRINGS FLATHEAD LAKE RESORT MAJOR CONDOMINIUM MAJOR**

Joel Nelson summarized the staff report. (See attachments to minutes in the Sept 2010 meeting file for staff report.) He gave a correction on pg. 38 for #25 where 'lots' should be changed to 'units', and on pg. 40 for #36, where 'park model' should be eliminated.

Steve checked that the only one condo was available for year-round use. Joel affirmed the conditions tried to stipulate this. Steve asked about the dates. Joel pointed to condition #28. This reflected the water rights associated with the property.

Mark Johnson, the project architect, spoke on behalf of the project. He toured the project and site for the Board on a site plan, including a clarification of buildings A, B and C, where building 1 was the same as building A. He highlighted that they were eliminating 5 units, and pointed out features such as buildings, parking and drives.

Matt Nerdig from A 2 Z Engineering spoke further on behalf of the applicant with regards to septic, stormwater and water. The septic was a public system, Advantex level II, that would reduce nitrates and provide constant monitoring. Ownership would go to a Homeowners Association. Glacier Precast would provide oversight and maintenance. The water was a transient public water supply for which there were no present concerns, and this would continue. An operator would be hired or paid by the Homeowners Association, and would maintain the system and turn in samples as required by the State.

For stormwater, there were catch basins installed in the last round of renovation by the owners. These caught a good portion of the stormwater on site. The upper parking lot had flow onto the next lot, so a potential infiltration gallery/ catch basis would be designed up there. He consulted with DEQ. They may or may not be subject from much change from DEQ. The reviewer said the applicants must show 2 points. Existing runoff must be contained on site, and state waters nearby that could receive runoff would not be contaminated. They would need to submit a full stormwater plan for the DEQ subdivision review process that showed those two points to DEQ. The applicants were reducing the amount of 'generators' of stormwater onsite that could be

harmful to the lake or groundwater. In small improvements to what was there, the stormwater was well taken care of on site to mitigate impacts to the lake itself. With the amount of stormwater controls on site, 95% of the stormwater in the area of the buffer would be coming from the rainfall on that area. With the existing grass, it slowed the runoff and filtered.

Steve asked about dock usage by the Holiday Resort people. Barbara Sanders described when they purchased the property in 1999, there were three easements across the property. One of two easements was for dock space, for which they would have to pay, as would someone living on the subject property. This was one reason the applicants did the stepping stone path and continued the [inaudible] so the [Holiday Resort people] would have access. Her belief was after this was done, they would want to be released from that easement. They hadn't used it for 10 years. One easement was previously eliminated. She thought when they found they'd have to participate in the maintenance of the dock, they would want out. Holiday Resorts had boat docks there.

Steve asked if buildings B and C were guttered, and what happened to roof runoff. Mark J said they were all guttered. Downspouts would go to subterranean catch basins. The water didn't run onto the asphalt. Steve asked if there were roofs over the balconies. Mark replied there was a small cantilevered roof on the front of one building that sloped back to the back side. Things sloped back to the back side when they were guttered and downspouted. Steve asked Mark to show where the existing and new catch basins would be. Mark did so. Steve noted these were underground basins. Matt added that's what the existing catch basins were. Steve asked how the stormwater was treated. Matt replied it moved through the ground. Barbara pointed out the hillside below the top parking lot was planted with natural growth, and also on the back part of the parking lot.

Steve referred to the advantage of the Advantex system in being sort of automatic. When property ownership converted from a single year-round user to a committee, there was an advantage to some things being automatic. Matt said Glacier Precast was the local dealer for Advantex, and gave further details. It was a perpetual maintenance agreement. The owners would pay a monthly fee. Steve asked if there was something that could be done for the stormwater runoff along those lines. Matt explained that with stormwater, you don't want a design that's too complex. Stormwater [system] tended to be forgotten about until you needed it, so you wanted things to be gravity and to drain to a set location. You wanted it to do its thing with very minimal maintenance. A stormwater system with pumps could be extremely problematic. People didn't think about maintaining the pumps until a storm showed up. He added the owners had done quite a bit so far, so they didn't need to go a long ways with the stormwater runoff. Catch basins were already installed in areas that allowed that water to infiltrate, to try to get ahead of the issue with the amount of impervious area there. They've done perc pipe in a gravel trench. It took water off the impervious surface and directed it right down. A parking lot tended to have more debris, and you wanted a way to clean it out, so a catch basin was a simple way to do that in a parking lot. The only area that they saw that needed to be addressed was the upper lot area.

Steve asked if there was a problem in enforcing the use. Mark said they'd talked about maintaining the fact that there was a limited season for the use of the property through the

covenants. The water right was written that way, with allowance for the residence that was allowed to be occupied full-year. The buildings themselves are constructed as seasonal buildings only. To use them in a winter environment, you'd have to do a lot more retrofitting. He mentioned the water lines. Steve clarified with Barbara that most or half of the buildings were drained for the winter.

Steve thought a problem for the road variance would be that if cars were in every parking spot, they became more difficult to negotiate. He mentioned increased difficulty in the winter if the restaurant were open and people were in the condos. Barbara clarified the restaurant could not be open in the winter, given the water. It would also be in the CC&R's that there was a limitation on how many people in each unit. The Homeowners Association would police themselves. Next door, additional rules had been added to the Association rules to deal with ongoing problems.

Mark proposed two changes the applicants would like request to the conditions. Under condition #15 and #26, the issue was the prohibition on short-term rental or leasing. The facility was proposed to operate in the same seasonal manner that it was at present, and with fewer units, reduced from 12 to 7. The regulations for transient flows from these units for septic as opposed to residential flows were higher. They were improving the sanitation side of things, and reducing the impact on the lot by reducing the number of occupants, so they felt they mitigated potential environmental concerns from the sanitation side. They reduced the actual physical impact from the number of people involved. Further, he thought one of the effects was that this property would be unique in that it had a restriction that was not applied to anyone else in the district. The condominiums immediately to the south allow this. There were many such rental properties in Lake County. Lake County had requirements in place for these properties to register, be inspected and be certified, which further enhanced the health and safety factor, such as safe buildings and that issues regarding fire, smoke alarms, fire escape and those sorts of issues. They demonstrated that it was entirely possible to still maintain a very high quality facility with minimal impact to the environment and still be a conscientious and beneficial member of the community, without that restriction. Other than that, Mark said they thought they could live with the conditions for sure.

Steve asked how many beds were in the facility now, and whether the new facility would be furnished. Barbara said the purchasers would be buying with the furniture that was in the units now. They were completely furnished with kitchens. They were full kitchen units for the last 10 years. Four kitchens would be removed. Once the unit was purchased, the owner could change [the furnishings]. The CC&R's will restrict how many people per unit. Her feeling was that some people would have a living area where the kitchen used to be. She felt these would be 1-bedroom units. People might have a fold out couch or something like that if they had children. The CC&R's would limit how many people could be in there. Steve confirmed with her that the limit in the CC&R's was less than they were currently renting to as a motel. Steve checked that the facilities would be licensed and inspected and so forth if conditions #15 and #26 were dropped. Joel thought if those conditions were to be dropped, it would be better to alter them to say they are subject to licensing by the State through the Environmental Health Dept. Barbara had no objection to that. She noted that by eliminating vacation rentals, the bed tax would also

be eliminated. She thought someone managing rentals was required to do the recording for the bed tax.

Steve checked if a decision had been made on the parkland. Joel pointed to condition #16, which addressed parkland. This required the minimum park dedication and allowed for a combination of cash donation and actual park area. This could be worked out later and was subject to approval by the County Commissioners. Steve asked the applicants if they'd thought about what to do there. Mark commented that part of it was relevant to the retracement to be done there. The point would be whatever area they couldn't meet in actual physical parkland space, there would be a balance made with cash in lieu.

Janet asked about the catch basins. Did they contain sand to slow the percolation? Gravel actually didn't treat within a hundred foot span very well. Water moved through very quickly. Matt believed the catch basin was essentially native at the bottom, which would be glacial till. It probably had a high content of gravel. In most areas along the lakeshore, as long as there was enough dirt to slow the process down enough to grow an active microbe [inaudible].

*Public comment opened:* None offered. *Public comment closed.*

Steve asked which condition was on relandscaping of the buffer area. Joel noted this was condition #34. Condition #31 also addressed the putting green, which was impervious. Barbara said it was somewhat impervious. Steven Engel (?) mentioned the water stayed on the putting surface.

Brad asked Joel to restate the variances. Joel said the first variance was in regards to section 4A 8.1 of the subdivision regulations, which required that all roads providing access to subdivision lots meet the specifications contained in the subdivision regulations. Staff recommended approval of that variance request to let the road network remain as it exists, subject to the seasonal restrictions on the units except the year-round single-family residential unit.

**Motion made by Steve Rosso, and seconded by Lisa Dumontier, to recommend approval with the staff recommendations. Motion carried, all in favor.**

Joel said the second variance was the requested variance to section 4A 6.1.c of the subdivision regulations, which state each lot must abut and have access to a public or private street or road. Alleys may not be used to provide the primary access to the lot. Because the variance request does not appear applicable, staff felt no action was necessary. The condominium section of the subdivision regulations talked about having adequate access as found applicable by the governing body. Each unit had relatively direct access to a private street or road. Brad noted this was a unit as distinguished from a lot, and the Board needed to take no action on that. Joel suggested a vote on no action, or incorporate it into the overall motion.

Brad referred to conditions #15 and #26, and the request to change those. Joel noted the applicants asked for those to be stricken, and staff recommended altering those to mention short-term rental or leasing of units be subject to applicable licensing. *Janet suggested rewording so*

*the last part of #15 (pg. 36) and #26 (pg. 38) on the 4<sup>th</sup> line would read 'shall be allowed contingent upon state licensing requirements.'*

**Motion made by Lisa Dumontier, and seconded by Sigurd Jensen, to recommend approval the creation of the 9-unit condominium conversion with the changes to conditions of approval for item # 15 and item #26. Motion carried, 5 in favor (Lisa Dumontier, Harlan Gipe, Sigurd Jensen, Janet Camel, Brad Trosper) and one opposed (Steve Rosso).**

### **WILD HORSE RANCH SUBDIVISION VARIANCE AND AMENDMENT REQUEST**

Joel Nelson presented the staff memo. (See attachments to minutes in the Sept 2010 meeting file for staff report.) Steve asked at the top of pg. 2, where conditions #11 and #12 are discussed, if a description of the shoulders was required. Was a 2' shoulder required as a default? Was there no requirement for shoulders? Joel replied there were no shoulders specifically required by the preliminary plat approval. The subdivision regulations stated if shoulders were desired or guardrail installation was required, add 2' for shoulders on each side of the road.

Dave DeGrandpre spoke on behalf of the applicants. He introduces Jim Kuhlman from Flathead Land Development Company and Kent Peterson, a contractor for KentCo. Dave gave a power point presentation, where he described the area, original proposal and approval, and the current proposal. The road was largely built, except for about the last 850', with the roadbed material, base material and crushed gravel in place. The variance was concerned with the actual paved surface. He showed on the map, from the end of the road to about the middle of lot 9, where they proposed a 20' wide road surface with 2' shoulders on each side. That road segment would serve 4 or possibly 5 lots. He showed another area where they proposed 24' road surface with 2' shoulders on both sides. At the property's connection with the highway, there would be a 26' wide approach. He showed more visuals. He touched on the 4 criteria for granting a variance. The first was based on public health and safety. He said fire chief Terry Gore said 2 fire trucks could pass on the 20' wide road, and he was not concerned about the reduced width as long as the road was maintained. The homeowners association would see to that. Dave also talked with Mark Munsinger, the engineer who was overseeing the road construction, who said the narrower width would be sufficient for the intended speeds and the traffic expected. He read from Mark's letter that the narrower width would work satisfactorily with design grades and curve radii, and that obviously a narrower road had less room for error should a vehicle lose control, however shoulder widths were generous. In Mark's opinion, the narrower paved surface did not constitute a significant increase in safety risk, and he anticipated no significant adverse effects to safety as a result of changing to a narrower road.

Dave passed around a booklet of AASHTO (American Association of State Highway and Transportation Officials) guidelines based on risk assessment. (No copy was left for the minutes or record.) He talked more about the AASHTO guidelines, which were based on risk assessment. He highlighted a chart with columns for minor access and resource recovery. (See attachment to minutes in the Sept 2010 meeting file.) He spoke more about AASHTO guidelines, which the road met. He mentioned that the variance criteria included the variance shall not be injurious to other adjoining properties. The adjoining property owners who have access to this road were the State of Montana and the DNRC, and also the Plum Creek Timber Company. He pointed out letters, where DNRC said they did not object and he read from the

Plum Creek letter. He concluded there was not evidence that granting the variance would not be detrimental to public health, safety or welfare, or be injurious to other adjoining properties.

Dave moved to the second criteria, where due to the particular physical surroundings, shape or topographic conditions that an undue hardship would result if the strict letter of the regulations was enforced. He gave more information from AASHTO and variables that went into road design. He said reviews were done by the stormwater engineer, the consulting engineer, the Rollins fire department and the state and corporate road users. Those entities said a 26' wide road was not necessary, so he thought if it wasn't necessary, it created a hardship on the applicant.

Dave talked about the 3<sup>rd</sup> and 4<sup>th</sup> criteria for a variance. It would not create a substantial increase in public cost. The road was to be privately built and maintained so there was no increase in public cost. A variance would not place the subdivision in non-compliance with adopted zoning regulations or growth policy plans. This road request did not impact the zoning, and the growth policy didn't address issues such as this one.

Dave summarized what he'd said about the variance criteria. He clarified on a visual the area where the road was proposed to be a 20' road with 2' shoulders on each side. Around the corner would be a 24' road to the highway approach. At the highway approach, it would be 26' wide. The cul-de-sac roads would have 20' driving surface. He noted that Kent pointed out to him earlier, much of the road base was in, and provided a substantial shoulder area if someone ran off.

Jim Kuhlman said his perception was that at 26' wide, the road invited a racetrack. People did access back in Plum Creek and state land for hunting. They left the property open for that. He thought a narrower road would discourage speed.

Joel asked if the first 20' off of the highway 36' wide. Dave thought it was 26'. They had an approach permit from Montana Dept. of Transportation. He did not recall the specifications off the top of his head. Then it's proposed to be a 26' wide road surface until the edge of the property. Joel said the subdivision regulations required the approaches to public roads to have a minimum width of 36' for 20', and there was supposed to be a curve radius and flare at the intersection. This might be a matter for a later discussion. Dave said it wasn't specifically referring to the flare at the intersection with the highway. He was talking about after that.

Kent Peterson described the entryway. They were also doing a widening and a turn lane. He talked about some of the other characteristics of the road. The 13% area was at 9.5%. They picked up 11% at about the middle of lot 9 on up, and it was mostly in the straight run. It softened at the top where the hammerhead for the fire truck turnaround was located. The subgrade for the roadbed was about 30' wide all the way up, so there were some continual accessible shoulders, sloped off gently at a 3 to 1. The road is pitched to the inside. They don't have a crown on it. They would have some rock guardrail if someone got pretty wild going down the hill, far enough away that they had ample snow removal. If you were to slide, you would slide to the inside. He further described radii, grades and locations on the road.

Kent said this was supposed to be a chip sealed road. He thought that was substandard. Chip seal was just dust control. It would break up and deteriorate. They were talking about putting a 3" mat of asphalt down. He wasn't sure if it would be best to locate the road down the center or maybe offset just a little bit so there was more of a lane to the inside. With a 20' road, it would be better to have the 20' part a little more on the high side. That would give almost an emergency lane, where you could pull over and park. You'd still have the 20' with the shoulders on the side. There was no gravel on the 30' roadbed. They had the 12 inches of 3" minus on the roadway until lot 9. They had to finish the sewer up there, so they didn't put gravel down. That's been done and cleaned up. It just needed the final coat of gravel.

Janet asked about the site distance around the switchbacks. Kent replied the sweeping corner at the bottom probably had about 300'. The switchback probably had about 150' to 200'. Dave added some information at the diagram that was projected. Kent thought the radius of the sweeping turn was maybe 180'.

Steve asked if they were considering a 20' asphalt or chip sealed surface. The agents replied asphalt. Steve said the surface was being upgraded from the original approval but made narrower. He checked the difference between the shoulder and the section to be paved, besides the pavement, was the shoulder sloped more and had more crown on it. [Kent] clarified and said it was designed to have a 3 to one on the low side. The shoulder wouldn't really drop off on the high side. If they put a gravel shoulder in there, it would probably be flat or pitched with the road, which was at 2% right now.

Janet asked if the asphalt would be chip sealed/ sealed. Kent said no. On state highway they did, to seal the cracks because of the heavy usage. On private it wasn't normally done except maybe for maintenance to protect the asphalt 10 years down the road, or if you went to a 2" mat of asphalt. They would have a 19" road section: twelve inches of 3" minus, four inches of ¾ crush, and a 3" mat of asphalt. It could handle construction traffic and the occasional log truck and so forth.

Steve checked that they would be putting four inches of ¾ minus on the road to a width that would include the shoulders, which Kent confirmed. Steve asked if that would extend beyond the specified shoulder. Kent didn't think so. Steve checked that the section from the highway to just around the first hairpin was 26' with a 2' shoulder asphalted. Kent thought it was two 1' shoulders there, but it might be 2'. That would be 28' wide, and would look like a freeway. Steve noticed the engineer Mark Munsinger commented that shoulder widths were generous. He referred to a section that might be 20' with a 2' shoulder. Kent asked if that would be a 4' shoulder on each side. Dave said at the very end from the middle of 9 until the end it was just a 2' shoulder. Steve didn't think that sounded very generous, which was one of the reasons Munsinger used to justify narrowing the width. Kent thought the 4' was definitely a generous shoulder, which would put it at 28' wide.

Lisa commented it appeared there was less traffic where the 2' shoulders were. Jim answered the building sites and access to building site would be only for lots 13, 10 and possibly 11, and possibly 9. Jim and Kent pointed this out on the diagram and talked more about various lots and the likely places for drives.

Brad noted one of the comments from the lot 10 owner was concern with the 2' shoulders that started about midway of block 9. Steve said his concern was not on the road, but that it helped to have a little more width turning on or off the road. These lots were all on the uphill side of the road, and the driveways would come down pretty steep. In the winter it might be nicer to have a wider road to turn on to. He thought it was reasonable to have some of the width as shoulder, although he didn't know that it had to be paved. Kent said the subgrade was about 30' wide. The applicants described the driveways further, and indicated more information on the map. Steve mentioned there was a big tree down across the road when he recently went to the site, so he hadn't gotten to some of the portion indicated.

Kent said they would begin to widen the state access next week. Jim said their intention was to have everything completed by the time snow fell, so they had work to do quickly.

*Public comment opened:* None offered. *Public comment closed.*

Janet referred to #2 on pg. 6, that the variance didn't appear to result in undue hardship, since it was a matter of the developer installing the road surface where the road base was already installed, and there was no evidence of hardship resulting from enforcing the strict letter of the regulations, because the subdivision already received preliminary and final plat approval. She wondered how many other developers might want to come in and have a variance after their subdivisions were already reviewed and approved as a result of the Board setting a precedence by granting the variance for this particular scenario. Joel thought there would be quite a few. He thought the precedent with this request was a major concern.

Janet said this was her major concern. If these regulations had been in effect earlier and the Board had already reviewed this, and they'd had some discussion about safety at that time, but unfortunately the regulations were what they were at the time. She had a hard time with establishing precedence. She knew a lot of developers would want the same thing. The applicants' arguments were well presented, but she was concerned they would open a Pandora's box. Joel said there were no constraints with the property. The roadbed was in place. It was a matter of paving the roads.

Steve checked that the Board of Adjustment would not be allowed to grant a variance if the hardship was economic, and whether it wasn't a requirement for this variance. Joel said that was a typical requirement for zoning variances. In the subdivision regulations, it wasn't really addressed. It spoke more to the physical nature of the property. He read from the regulations: Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, an undue hardship to the owner would result in a strict letter of these regulations as enforced. He compared it to the Many Springs subdivision where you simply couldn't widen those roads.

Dave appreciated the issue of not wanting to open the floodgates, so to speak. The criteria before the Board were the criteria. There might be an increased workload, or some other possible negative consequences of setting a precedent. Every condition and property was unique and that was what the variance criteria were set up to evaluate. It wasn't as if granting a variance



in this case would be a blanket 'the doors are wide open' and everyone who asked for a reduced road width would get one. You had to look at the topography and the functional classification of the roads, and the things that were unique to the specific request. He thought they'd done that and met the criteria. Joel added this was under the law and the subdivision regulations. Was there an undue hardship? What was keeping them from building the road?

Janet said her other concern was that she lived in a subdivision with a homeowners association. It was very difficult to get anyone to help maintain the road. They couldn't even get gravel hauled in. It was difficult to get it graded. The applicants would have asphalt without curb and gutter. The edges of the asphalt would erode over time. Twenty years from now, even though the standards for new subdivisions were different, a lot of those lot owners might not have the money to get that road chip sealed and keep it maintained, and you'd have a couple of feet eroding on either side anyway. She wasn't in favor of wide roads, but in this instance, it was approved and she thought these homeowners would be protected by having a wider paved road surface.

Lisa disagreed, mainly for the reasons Dave pointed out, and because that was what the variance was for. It wasn't up to the Board to worry about how many people would come after the fact. The variances were looked at one at a time. The facts presented were considered and a Board decision made, and then the Commissioners make their final decision. She thought the facts were presented by the experts and it wasn't up to them to micromanage the opinions of road experts. She thought they had granted more controversial projects than this.

Joel suggested the Board compare this to if they had asked for this road in 2005 compared to subdivisions they've reviewed over the last 5 years. If a random developer asked for 20' roads, what would the Board have said to that? They hadn't adopted the AASHTO book. The subdivision was reviewed under County regulations. They needed to look at the variance criteria pretty strictly.

**Motion made by Janet Camel, and seconded by Steve Rosso, to recommend support of the staff recommendation to deny the variance. Vote split, 3 in favor (Brad Trosper, Steve Rosso, Janet Camel) and 3 opposed (Harlan Gipe, Lisa Dumontier, Sigurd Jensen).**

Joel asked if there were alternative motions or discussion. Steve suggested changing a condition and requiring wider shoulders to the end. It didn't seem like there would be a lot of cost to create a wider surface that would be easier to access from the driveways and so forth. With the wider shoulders, the paved width of the road could be allowed to decrease. Lisa asked for clarification on location. Steve viewed the 20' plus 4' [each shoulder] was sort of a minimum for a total width of 28'. Four feet on each side would be gravel. This would go to the road end. Brad asked if that included the section proposed at 26'. Steve replied that road would already be. If it was 26' plus 2' shoulders that would already be 30' up around that switchback. The idea was to go down to a 20' pavement with 4' shoulders on each side, and then drop to 2' shoulders, but he thought the shoulders could continue 4' wide to the end of the road. This would satisfy some of his safety concerns. Lisa asked if that could be done. Kent said yes, the roadbed was wide enough for it. They had plenty of room to put that in there. Brad restated the proposal,

which was to do 4' shoulders along the entire section with the 20' driving surface. Kent said that was fine.

Steve asked if they left the recommendation as denied, would the applicants switch from asphalt to chip seal. Kent said possibly. Jim explained there was a cost factor involved. They felt the asphalt worked for a higher quality subdivision. He thought they could accomplish that with chip seal, but it didn't have the feel and [inaudible] of the asphalt. Steve said by narrowing the road, they may get a better quality road surface. Jim thought they would, and also get a better appearance. He said Kent was able to accomplish as little scarring of that road from the highway as possible. They wanted to complement that now. Kent estimated that they were about \$100,000 over, estimated. Jim said with the overruns, they're about a half million over what they thought it was going to cost to do the infrastructure. He said there was a hardship when you look at having to put in a 26' wide paved road, whereas if they came under preliminary plat approval request today would be a 20' road. They've bonded with the County and it will be completed in either case. They wanted to be good neighbors and do the right thing.

Kent said they would have check dams every 100'. They did have a controlled drainage down that inside. Even without it in, they built it quite well. The other part of the hardship comes as trying to get that front entry in. It took 18 months to get approval of the front entry from Plum Creek, which put things on hold. Since then prices crept up.

Steve asked about the earlier concern about long-term performance of the paved surface. Would wider shoulders help support the edges of the pavement, and make a difference? Kent said it would make a difference. Joel asked if you wouldn't be more likely to drive on the edge of the pavement. Kent said they were trying to get the characteristic of a mountain road rather than a freeway. It could almost be a driveway from lot 9 up. You'd have a few people driving at reasonable speeds at that point so they'd stay on the asphalt. The shoulder did protect the edge of that if you wanted to pull off or if there was a truck that needed to pull off. He saw with the bottom radius it might be in question if two people were passing on a 20' road. You might have somebody running on the shoulder with a back tire. Usually in a paving operation, you tended to go to the owner and say they maybe need to add a couple of feet to that radius to make it a little more comfortable. That was one of the reasons they stayed with the 24' up and around that first switchback. A lot of county roads he worked on in this county he remembered being 24' wide. This was the first 26' that he had run across.

Brad asked if the Board had an alternative proposal or motion. Joel asked if it overcame some sort of variance criteria if they did 4' shoulders. Sigurd asked if it made a difference if a 4' shoulder was added instead of the 2' shoulder. Joel didn't think it would overcome the topography. They were supposed to find a topographic condition that they were trying to deal with. Lisa thought they were trying to appease the other half of the Board and address the lot 10 owner, who didn't like the 2' shoulders. Janet thought the staff was paid to come up with a recommendation. They thought through this, and she respected their opinion.

Brad said the Board could go with no recommendation. Janet said they could go with the 3 to 3 vote, where the motion didn't pass. Joel added they would show the Commissioners what was recommended by staff, and an explanation of what happened. Steve said he felt torn on the

precedent issues. He respected the staff and analysis, but he didn't think it was beyond the Board questions. Brad summed that there was no decision.

**OTHER BUSINESS**

Tiffany spoke about next week's lakeshore regulation update meeting. She also talked with the Board about possibilities for the October lakeshore regulations update meeting.

**Motion made by Sigurd Jensen, and seconded by Lisa Dumontier, to adjourn. Motion carried, by general consensus.** Meeting adjourned at 9:10 pm.